

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ACCELERATION BAY LLC, a Delaware)
Limited Liability Corporation,)

Plaintiff,)

v.)

ACTIVISION BLIZZARD, INC.,)
a Delaware Corporation,)

Defendant.)

C.A. No.

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Acceleration Bay LLC (“Acceleration Bay”) files this Complaint for Patent Infringement and Jury Demand against Defendant Activision Blizzard, Inc. (“Defendant” or “Activision Blizzard”) and alleges as follows:

BACKGROUND

1. This Complaint alleges Defendant infringed and continues to infringe the same Acceleration Bay Patents (defined below) at issue in *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA (D. Del.), filed on March 11, 2015. The Acceleration Bay Patents asserted here and in the previous case were assigned by the Boeing Company to Acceleration Bay. On June 3, 2016, the District Court issued an Order in the previous case finding that Acceleration Bay lacked prudential standing. 1:15-cv-00228-RGA, D.I. 149. Subsequent to that Order, Acceleration Bay and the Boeing Company entered into an Amended and Restated Patent Purchase Agreement resolving all of the issues identified by the District Court in its June 3, 2016 Order.

THE PARTIES

2. Acceleration Bay is a Delaware limited liability corporation, with its principal place of business at 370 Bridge Parkway, Redwood City, California 94065.

3. Acceleration Bay is an incubator for next generation businesses, in particular companies that focus on delivering information and content in real-time. Acceleration Bay invests in and supports companies that further the dissemination of technological advancements.

4. Acceleration Bay also collaborates with inventors and research institutions to analyze and identify important technological problems, generate new solutions to these

problems, and bring those solutions to market through its partnerships with existing companies and startups.

5. On information and belief, Activision Blizzard is a Delaware corporation with its principal place of business at 3100 Ocean Park Boulevard, Santa Monica, California 90405.

6. Acceleration Bay is informed and believes that Activision Blizzard makes, uses, sells, offers for sale, and/or imports into the United States and this District products and services that utilize multiplayer or multisystem network technology as claimed in the Acceleration Bay Patents, including but not limited to, World of Warcraft (“WoW”) (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger modes within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare and Call of Duty: Black Ops III (together, “Call of Duty”) (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum).

JURISDICTION AND VENUE

7. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

9. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant does business in this District and has, and continues to, infringe in this District. On information and belief, Defendant is incorporated in the State of Delaware. In addition, the

Court has personal jurisdiction over Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

THE PATENTS-IN-SUIT

10. This case involves six patents owned by Acceleration Bay: U.S. Patent No. 6,701,344; U.S. Patent No. 6,714,966; U.S. Patent No. 6,732,147; U.S. Patent No. 6,829,634; U.S. Patent No. 6,910,069; and U.S. Patent No. 6,920,497 (collectively referred to as the “Acceleration Bay Patents”).

11. On March 2, 2004, U.S. Patent No. 6,701,344 (“the ‘344 Patent”), entitled DISTRIBUTED GAME ENVIRONMENT, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘344 Patent is attached to this Complaint as Exhibit 1 and is incorporated by reference herein.

12. All rights, title, and interest in the ‘344 Patent have been assigned to Acceleration Bay, which is the sole owner of the ‘344 Patent.

13. The ‘344 Patent is generally directed towards systems for an effective broadcast technique in a game environment using a regular network. By implementing such a broadcast technique, the system is able to provide a broadcast channel using an underlying network system that sends messages on a point to point basis, providing efficiency and reliability to a gaming environment.

14. On March 30, 2004, U.S. Patent No. 6,714,966 (“the ‘966 Patent”), entitled INFORMATION DELIVERY SERVICE, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘966 Patent is attached to this Complaint as Exhibit 2 and is incorporated by reference herein.

15. All rights, title, and interest in the '966 Patent have been assigned to Acceleration Bay, who is the sole owner of the '966 Patent.

16. The '966 Patent is generally directed towards systems for providing an information delivery service using a regular network. One of the ways this is accomplished is by sending data through neighbor participants.

17. On May 4, 2004, U.S. Patent No. 6,732,147 ("the '147 Patent"), entitled LEAVING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '147 Patent is attached to this Complaint as Exhibit 3 and is incorporated by reference herein.

18. All rights, title, and interest in the '147 Patent have been assigned to Acceleration Bay, who is the sole owner of the '147 Patent.

19. The '147 Patent is generally directed towards methods and systems for leaving a broadcast channel. One of the ways this is accomplished is by sending messages to a second computer, so that the second computer can connect to a third computer to maintain a regular network.

20. On December 7, 2004, U.S. Patent No. 6,829,634 ("the '634 Patent"), entitled BROADCASTING NETWORK, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '634 Patent is attached to this Complaint as Exhibit 4 and is incorporated by reference herein.

21. All rights, title, and interest in the '634 Patent have been assigned to Acceleration Bay, who is the sole owner of the '634 Patent.

22. The '634 Patent is generally directed towards systems for broadcasting data across a regular network. One of the ways this is accomplished is by sending data received from

neighbor participants to other neighbor participants. This creates reliability in the regular network.

23. On June 21, 2005, U.S. Patent No. 6,910,069 (“the ‘069 Patent”), entitled JOINING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘069 Patent is attached to this Complaint as Exhibit 5 and is incorporated by reference herein.

24. All rights, title, and interest in the ‘069 Patent have been assigned to Acceleration Bay, who is the sole owner of the ‘069 Patent.

25. The ‘069 Patent is generally directed towards methods for adding a participant to a network without placing a high overhead on the underlying network. One of the ways this is accomplished is by identifying a pair of participants that are connected to the network, disconnecting the identified pair from each other, and then connecting a seeking participant to the identified pair.

26. On July 19, 2005, U.S. Patent No. 6,920,497 (“the ‘497 Patent”), entitled CONTACTING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘497 Patent is attached to this Complaint as Exhibit 6 and is incorporated by reference herein.

27. All rights, title, and interest in the ‘497 Patent have been assigned to Acceleration Bay, who is the sole owner of the ‘497 Patent.

28. The ‘497 Patent is generally directed towards methods and systems for contacting a broadcast channel. One of the ways this is accomplished is by the seeking computer using a selected call-in port to request that the portal computer coordinate the connection of the seeking computer.


THE ACCUSED PRODUCTS

29. **WoW:** Acceleration Bay is informed and believes that WoW products and services utilize the network technology claimed in the Acceleration Bay Patents to offer a multiplayer or multisystem gaming environment to its players. Acceleration Bay is informed and believes that these players operate within WoW's gaming environment as individual members of one of over 240 different realm servers. Acceleration Bay is informed and believes that these 240+ realms, including any ancillary realms, utilize multiple servers that communicate with each other, including an overlay network topology of server-to-server connections. *See, e.g.:*

Step 1: Choose your realm

World of Warcraft has millions of active players. If all these players were in the same game world at the same time, things would get more than a little crowded (plus which, the computers running the game would probably form a workers' union and go on strike). To keep the gameplay experience stable, smooth, and consistent, World of Warcraft's population is divided into several different realms. Each realm is an identical copy of the game world, but generally, players from the same realm can only play and interact with each other*. Think of each realm like its own parallel universe or mirror dimension, each home to thousands and thousands of unique player characters.

Realms come in four different flavors based on the kind of gameplay experience they offer:



Realm Name	Type	Characters	Population
Lightninghoof (5.3.0)	PvP	100000	Medium
Plainsong (5.3.0)	PvP	100000	Medium
Ravenhold (5.3.0)	PvP	100000	Medium
The Venture Co (5.3.0)	PvP	100000	Medium
Twinning Mire (5.3.0)	PvP	100000	Medium
Emerald Dream (5.3.0)	PvP	100000	High
Argent Dawn (5.3.0)	PvP	100000	Medium
Blackwater Bayshore (5.3.0)	PvP	100000	Medium
Conannon Circle (5.3.0)	PvP	100000	Medium
Garden of Elise (5.3.0)	PvP	100000	Medium
Forsythia (5.3.0)	PvP	100000	Medium
Feathermoon (5.3.0)	PvP	100000	Medium
Wain Tor (5.3.0)	PvP	100000	Medium
Scarlet Crusade (5.3.0)	PvP	100000	Medium
Sentinel's (5.3.0)	PvP	100000	Medium
Shadowmound (5.3.0)	PvP	100000	Medium
Silver Hand (5.3.0)	PvP	100000	Medium
Slivers of Dawn (5.3.0)	PvP	100000	Medium

Normal Player Versus Enemies

The standard. Role-play is optional, and all player-versus-player fights have to be consensual.

PvP Player Versus Player

For players who seek out a challenge. Role-play is still optional, but opposite faction players can attack you almost anywhere, and at all times. Be on your guard.

Normal-RP Player Versus Enemies – Role Playing

On this type of realm, role-play is practically mandatory, but player-versus-player combat still has to be agreed upon by both parties.

PvP-RP Player Versus Player – Role Playing

As with regular PvP realms, cross-faction combat is an ever-present threat, and role-play is the norm.

<http://us.battle.net/wow/en/game/guide/getting-started>.

30. Acceleration Bay is informed and believes that WoW products and services utilize the network technology claimed in the Acceleration Bay Patents to perform many functionalities within its gaming environment.

31. These products and services include, but are not limited to, WoW's Cross-Realm technology, which allows individual players from multiple different realms to interact and communicate with each other inside WoW's gaming environment:

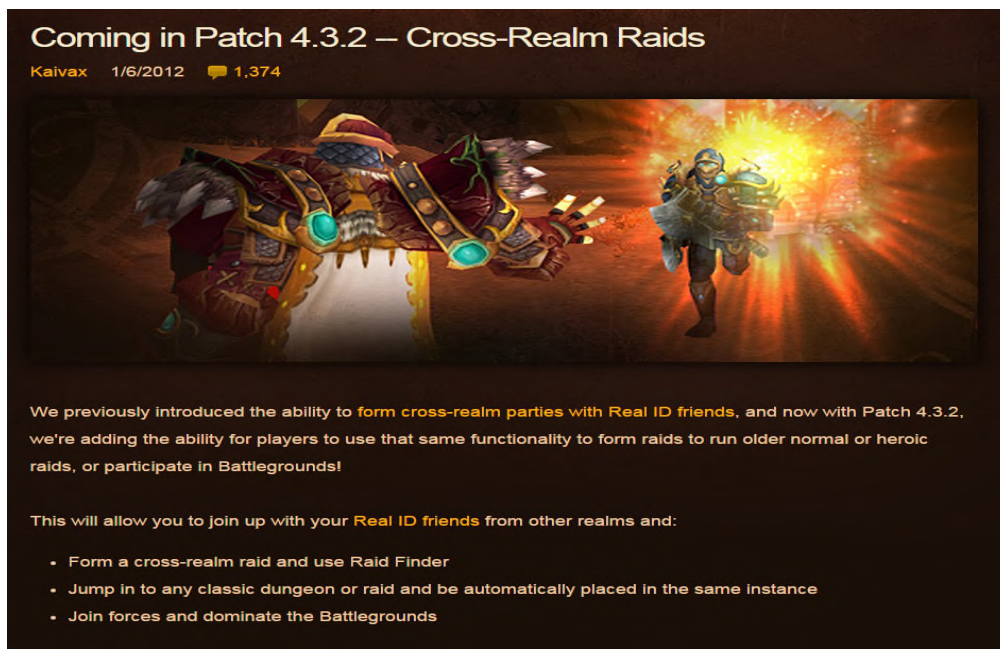
Q. Why implement this now?

A. Our cross-realm technology has continued to evolve since it was first developed for joining players in dungeons. It's now at a point where we can create seamless worlds made up of multiple individual realms, and we think there are some really positive benefits to that.

<http://us.battle.net/wow/en/blog/10551009>.

32. Cross-Realm technology is used in and includes, but is not limited to, the following WoW functionalities:

WoW's Cross-Realm Raids functionality:




The image is a screenshot of a World of Warcraft blog post. At the top, the title reads "Coming in Patch 4.3.2 – Cross-Realm Raids" in white text on a dark background. Below the title, the author "Kaivax" and the date "1/6/2012" are listed, along with a comment icon and the number "1,374". The main visual is a horizontal banner image showing a large, ornate, dark-colored raid boss on the left and a player character in full armor on the right, standing in a glowing, fiery environment. Below the banner, the text of the blog post is displayed in white. It states: "We previously introduced the ability to form cross-realm parties with Real ID friends, and now with Patch 4.3.2, we're adding the ability for players to use that same functionality to form raids to run older normal or heroic raids, or participate in Battlegrounds!" This is followed by a sub-header: "This will allow you to join up with your Real ID friends from other realms and:" and a bulleted list of three features: "Form a cross-realm raid and use Raid Finder", "Jump in to any classic dungeon or raid and be automatically placed in the same instance", and "Join forces and dominate the Battlegrounds".

<http://us.battle.net/wow/en/blog/4270420>;

WoW's Raid Finder / Looking for Raid functionality:

Raid Finder Coming in Patch 4.3
Daxxarri 9/29/2011 2,867



We are working hard to introduce an exciting new feature to World of Warcraft in patch 4.3: the **Raid Finder** system. While it presents unprecedented technical hurdles and may change before it's released, we wanted to provide you with an early look at what we hope to accomplish, and share some details that we've worked out, which will lend some insight as to how the new feature is planned to work.

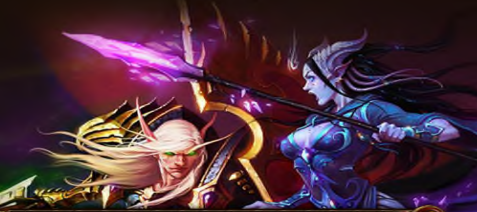
So what is the Raid Finder? It will be a brand new grouping feature that superficially works much like the Dungeon Finder. Instead of five-player dungeons, the Raid Finder is designed to help players quickly and easily form a pick-up raid for a specially tuned version of the current tier of raid content: the Dragon Soul raid. It's not intended to replace guild organized raiding though. You'll still need friends and guild members to help you conquer the toughest raiding challenges that patch 4.3 has to offer.

<http://us.battle.net/wow/en/blog/3608426>;

WoW's Cross-Realm Battle Grounds functionality:


Player-vs-Player Combat

With tensions between the Alliance and the Horde at an all-time high, skirmishes between members of both factions are taking place everywhere. You can jump into the fray at any given time and fight for your faction, for fame and fortune, or for the simple thrill of battle.



BATTLEGROUND


Battlegrounds offer a structured PvP experience. Battlegrounds are PvP instances where two teams of players meet on the field of battle and have to complete mission objectives to achieve victory. These objectives can be as simple as grabbing the enemy flag and taking it to your base, or they can be as complex as setting demolition charges, breaching the other team's defenses, and capturing the defending team's artifact. Each Battleground has a different objective, and they also vary by number of players per team. You can join Battlegrounds by yourself, in which case you will be on a team with other random players of your faction, or you can queue up as a group together with your friends.



<http://us.battle.net/wow/en/game/guide/late-game>;

WoW's Cross-Realm Zones functionality:

Cross-Realm Zones Coming to Beta
 Blizzard Entertainment 5/10/2012 2,907



In the World of Warcraft: Mists of Pandaria beta, we're introducing a new technology that will enable players to meet up and group with other players in under populated areas of the world such as low level zones or areas that other players may have outleveled or moved on from. This technology will allow players to form a group with other players from within a select pool of realms in order to quest just like they normally would while still allowing the social structures of their home realms to remain intact.

“Cross-realm zones give us the capability to ensure that level-up zones retain a population size that feels more like the high level areas of the game...”

F.A.Q.

Q. Why cross-realm zones?
 For many years now, the significant majority of the player population online at any given time has consisted mostly of characters at or near the level cap. This has resulted in an environment where characters that are leveling up experience a world that has fewer other players to interact with than what the world was designed for. Cross-realm zones give us the capability to ensure that level-up zones retain a population size that feels more like the high level areas of the game, leading to a more fun play experience for characters of all levels.

[http://us.battle.net/wow/en/blog/5393667/;](http://us.battle.net/wow/en/blog/5393667/)

and WoW’s Looking for Adventure / Recruiting for Danger functionality:

Premade Groups: Looking for Adventure

Rygarus 8/13/2014 311



Group Finder is getting a new addition in Warlords of Draenor to make it easier for you to group up. In a raid and need more adventurers to round out the group for a Normal or Heroic raid or need help finding like-minded players for a group quest? The Premade Group option within the Group Finder can help.

Looking For Adventure

To start browsing for groups that are looking for more you'll want to open Group Finder (Bound to the I key by default) then click on the Premade Groups option for PvE content such as questing, dungeons, and raids.

Within the Player vs. Player tab, you can create premade groups for Arenas (2v2, 3v3, 5v5), Arena Skirmishes (2v2, 3v3), Battlegrounds, and Rated Battlegrounds. You can also access the Player vs. Player pane directly (Bound to the H by default). Additionally, there's a custom option to allow you to create groups for things not on the list, such as forming a raiding party to do a little world PvP in a capital city with a few new friends.

Once you've identified a group that looks promising you can sign up to join it; the group leader will be notified that your pending join request needs their approval.

Recruiting For Danger

Those who want to take matters into their own hands can form groups by selecting 'Start a Group'. Here's a breakdown for what the different fields are for.

Name: Give the group a name. It helps if the group name is something descriptive like "UBRS run".

Type: What is the purpose of the group? Questing? Running a Dungeon? Running a Normal raid, etc.?

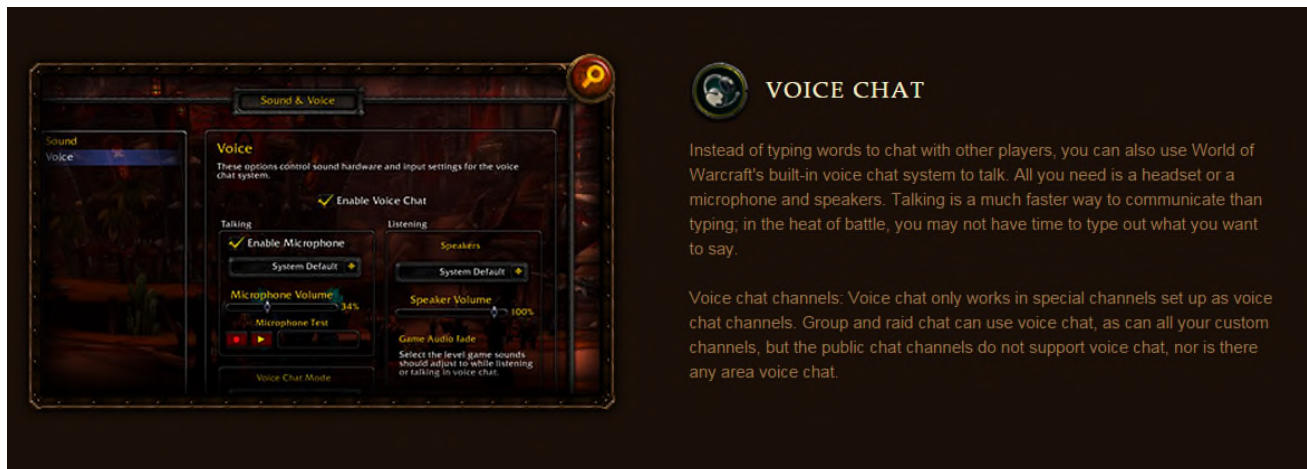
Requirements (optional): You can elect to use it to specify additional requirements, such as a minimum item level or use of voice chat to facilitate communications.

- **Minimum Item Level (optional):** It's important to note that the minimum item level requirement must be less than or equal to your own item level.
- **Voice Chat:** Some groups may prefer the use of voice chat for greater coordination.
- **Description (optional):** A place available for those that want to provide more information, such as loot rules, or other information pertinent to the group.

When your settings are ready, simply click 'List Group' to be listed.

<http://us.battle.net/wow/en/blog/15200760/>.

33. Acceleration Bay is informed and believes that WoW's Voice Chat functionality allows individual players to communicate with each other, by voice, though the use of the network technology claimed in the Acceleration Bay Patents:




<http://us.battle.net/wow/en/game/guide/playing-together>.

34. Acceleration Bay is informed and believes WoW Downloader utilizes a peer-to-peer network to improve download speed for updates, installation and other downloadable information. See e.g.:

How to Toggle Peer to Peer Protocol

Blizzard® logos

toggling the Peer-to-Peer Transfer feature may help when installing or patching Blizzard® games. Traditional downloads use a single source, but peer-to-peer transfers gather data from other users, which often improves download speed.

1. In Battle.net®, click the Battle.net logo (), then click **Settings**.
2. Click **Game Install/Update**.
3. Check (or uncheck) **Enable peer-to-peer**.

Tried everything here?

If you have tried all of the steps for your operating system and still require assistance, visit our [Technical Support Forum](#) or [contact us](#).

Updated: Oct 15, 2014
Article ID: 7300080

<https://us.battle.net/support/en/article/how-to-toggle-peer-to-peer-protocol>.

35. Acceleration Bay is informed and believes WoW's Game Client and WoW Launcher utilize a method of connecting a computer to a network through a portal computer.

See, e.g.:

All Your Blizzard Games in One Place

Once you log in through the new Battle.net desktop app, you have access to all your Blizzard games. Get in a quick World of Warcraft dungeon run with your guild, play a few league games in StarCraft II, and then head over to Diablo III and level up your barbarian without having to sign in separately each time. You can even have your computer remember you for up to 30 days for even easier access.

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Always Up-to-Date

No more wondering about whether or not your games are up-to-date - Battle.net automatically queues up patches and smaller updates for all Blizzard games even while you're away from your computer. What's more, Battle.net automatically syncs your game progress as you play, so you'll be able to continue your epic adventure right where you left off even if you play on more than one computer.

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The Blizzard Social Community

Battle.net offers a number of ways to help you stay connected with your fellow Blizzard gamers.

Your **BattleTag™** nickname identifies you across all of Battle.net (and in Blizzard games such as Diablo® III), making it easy to communicate with other players you've met on Battle.net, even if you're not friends in real life. [Learn more.](#)

Battle.net's **Real ID** feature is an optional layer of identity designed to help you stay connected with your real-life friends on the service. When you and a friend agree to become Real ID friends, you'll be able to chat using your real name both in-game and out, as well as get detailed status information about what your friends are up to on Battle.net. [Learn more.](#)

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Be Part of The Discussion

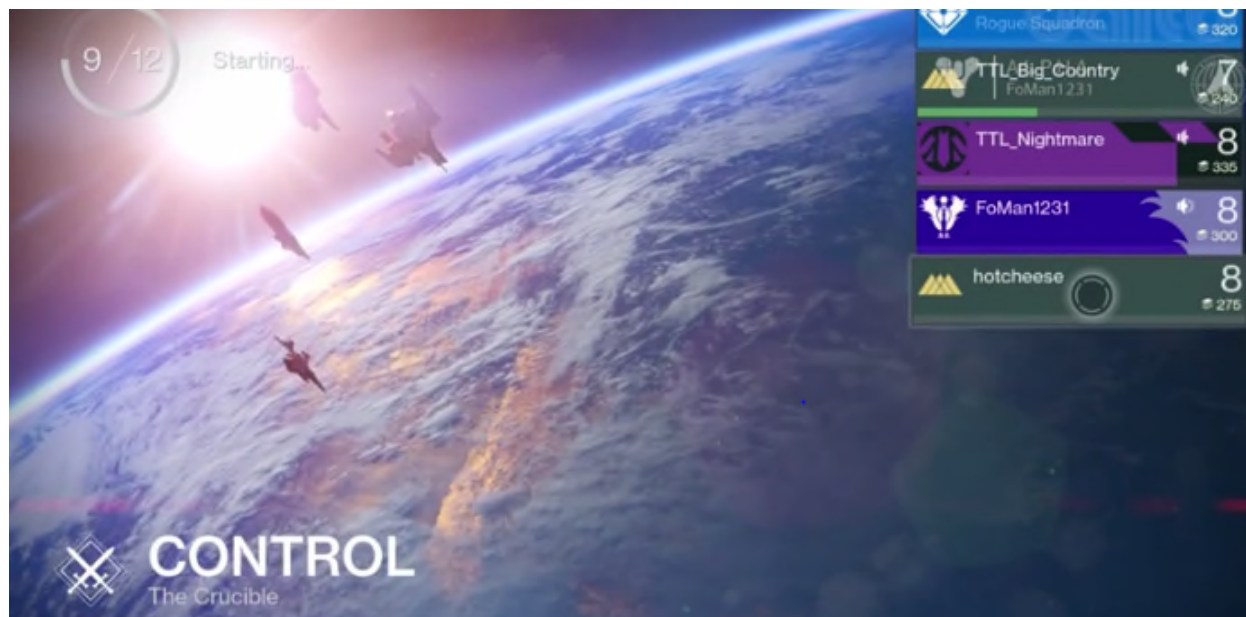
Battle.net makes it easier to be part of the Blizzard community both inside the game and out. The new Battle.net desktop application serves as a central hub to find game information, developer blogs, and more, as well as filter news based on which Blizzard games you play or what kind of info you want to hear more about. Read the latest news and let us know what you think in the comments of the news blogs on our game websites!

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<http://us.battle.net/en/what-is/>.

36. **Destiny:** Acceleration Bay is informed and believes that Destiny utilizes the network technology claimed in the Acceleration Bay Patents to perform multiple functionalities including multiplayer modes Crucible and Strike. *See e.g.*, <http://www.destinythegame.com/game/modes/>. Acceleration Bay is informed and believes that Destiny provides a hybrid system where each area within the game called “destination” has its own dedicated servers while all the players that are in that “destination” are connected to a peer-to-peer network and capable of communicating and interacting with each other. *See* <http://www.gameinformer.com/b/features/archive/2013/12/06/the-matchmaking-technology-of-destiny.aspx>; *see also* http://destiny.wikia.com/wiki/Demonware_Blog. Acceleration Bay is informed and believes that Destiny utilizes “on-the-fly matchmaking technology” that allows numerous individual players in a “destination” to be matched “invisibly” and thereby able to encounter, communicate and interact with each other. *See* <http://www.polygon.com/2013/2/17/3993058/destiny-bungie-first-look-preview>. Acceleration Bay is further informed and believes that Destiny is capable of allowing “millions” of players to be “in one connected online world.” *See* <http://www.gameinformer.com/b/features/archive/2013/12/06/the-matchmaking-technology-of-destiny.aspx>.

37. Acceleration Bay is informed and believes Destiny allows players to communicate using the network technology claimed in the Acceleration Bay Patents. As a way of example and not a limitation, Destiny provides a multiplayer mode, such as “The Crucible,” where multiple participants can simultaneously interact and communicate with each other utilizing the network technology claimed in the Acceleration Bay Patents.



[http://destiny.wikia.com/wiki/Special:Videos?page=3&sort=trend&file=Destiny_Alpha -
_PvP_Control - Rusted Lands%2C Earth.](http://destiny.wikia.com/wiki/Special:Videos?page=3&sort=trend&file=Destiny_Alpha_-_PvP_Control_-_Rusted_Lands%2C_Earth)

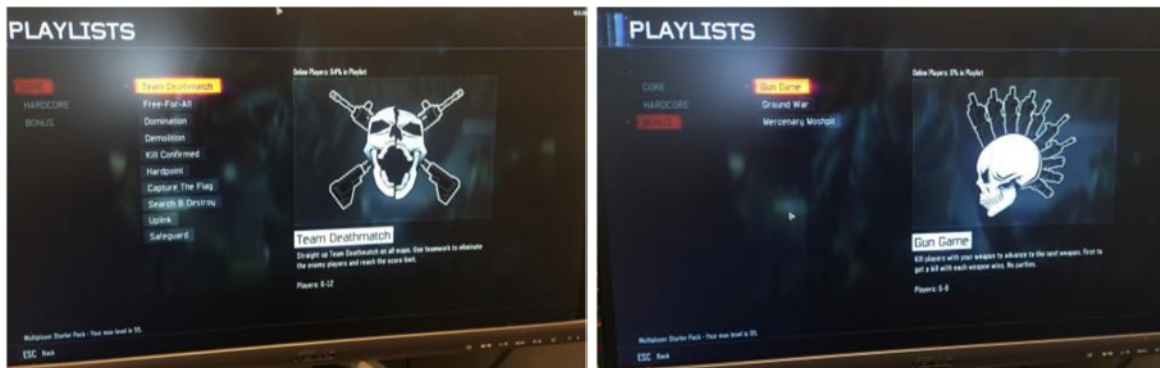


[http://destiny.wikia.com/wiki/Special:Videos?page=3&sort=trend&file=Destiny_Alpha -
_PvP_Control - Rusted Lands%2C Earth.](http://destiny.wikia.com/wiki/Special:Videos?page=3&sort=trend&file=Destiny_Alpha_-_PvP_Control_-_Rusted_Lands%2C_Earth)



http://destiny.wikia.com/wiki/Special:Videos?page=3&sort=trend&file=Destiny_Alpha_-_PvP_Control_-_Rusted_Lands%2C_Earth.

38. **Call of Duty:** Acceleration Bay is informed and believes that both Call of Duty: Advanced Warfare and Call of Duty: Black Ops III utilize the network technology claimed in the Acceleration Bay Patents to perform multiple functionalities including multiplayer modes Team Deathmatch, Free for All, Domination, Demolition, Kill Confirmed, Hardpoint, Capture the Flag, Search & Destroy, Uplink, Gun Game, Ground War, Mercenary Moshpit, Infected, Safeguard, and Voice Chat. See e.g., <https://www.callofduty.com/advancedwarfare/mp> and the following screenshots from Call of Duty: Black Ops III gameplay:



39. As a way of example and not a limitation, Call of Duty provides multiplayer modes such as Search and Destroy, which is an objective multiplayer mode where two teams of four to six players face off against each other, using the network technology claimed in the Acceleration Bay Patents. *See* http://www.ign.com/wikis/call-of-duty-advanced-warfare/Search_and_Destroy; *see also* <https://community.sledgehammergames.com/community/sledgehammer/blog/2014/11/07/excitement-from-call-of-duty-advanced-warfare-launch-week-and-updates-coming-soon>.

40. Acceleration Bay is informed and believes that Call of Duty allows players to communicate using the network technology as claimed in the Acceleration Bay Patents. Acceleration Bay is also informed and believes that Call of Duty uses the network technology claimed in the Acceleration Bay Patents to allow players to leave a game in the middle of a match without affecting other players. As a way of example and not a limitation, Call of Duty provides a multiplayer mode, such as “Domination,” where multiple participants can concurrently interact and communicate with each other while also having an option to leave the game without affecting other players in the match by utilizing the network technology as claimed in the Acceleration Bay Patents.



<http://www.ign.com/articles/2015/01/28/optic-midnite-plays-call-of-duty-with-ign?watch>.

ACTIVISION BLIZZARD’S INFRINGEMENT OF ACCELERATION BAY’S PATENTS

41. Defendant has been and is now infringing the Acceleration Bay Patents (i.e., the ‘344 Patent, ‘966 Patent, ‘147 Patent, ‘634 Patent, ‘069 Patent, and ‘497 Patent) in this judicial District, and elsewhere in the United States by, among other things, making, using, importing, selling, and/or offering for sale the claimed system and methods on WoW, Destiny, and Call of Duty.

COUNT I

(Direct Infringement of the ‘344 Patent pursuant to 35 U.S.C. § 271(a))

42. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

43. Defendant has infringed and continues to infringe one or more claims of the '344 Patent in violation of 35 U.S.C. § 271(a).

44. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

45. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization, or license of Acceleration Bay.

46. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including, but not limited to, WoW, Destiny, and Call of Duty, which embody the patented invention of the '344 Patent.

47. Defendant's WoW products infringe the '344 Patent through, at minimum, its Cross Realm modes, which allow individual players from multiple different realms to communicate and interact with each other using a broadcast technique in which a broadcast channel uses an underlying network system to send messages on a point-to-point basis. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '344 Patent is attached hereto as Exhibit 7 and incorporated by reference.

48. Defendant's Destiny products infringe the '344 Patent through, at minimum, its multiplayer modes, which allow numerous individual players that are in a destination or an area to interact and communicate with each other using a broadcast technique in which a broadcast channel uses an underlying network system to send messages on a point-to-point basis. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '344 Patent is attached hereto as Exhibit 8 and incorporated by reference.

49. Defendant's Call of Duty products infringe the '344 Patent through, at minimum, its multiplayer modes, which allow individual players to interact and communicate with each other using a broadcast technique in which a broadcast channel uses an underlying network system to send messages on a point-to-point basis. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '344 Patent is attached hereto as Exhibit 9.

50. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

51. Defendant's infringement of the '344 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

52. Defendant's infringement of the '344 Patent is also willful, as Defendant has been fully aware of the '344 Patent, and the fact that its products infringe the '344 Patent, for more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '344 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served

an Identification of Accused Products and Patents on Defendant on November 2, 2015, which identified WoW, Destiny, and Call of Duty (including Call of Duty: Black Ops III) as accused products, and claim charts detailing the manner in which all of the accused products infringe the '344 Patent on March 2, 2016. Despite this knowledge of the '344 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '344 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

COUNT II

(Direct Infringement of the '966 Patent pursuant to 35 U.S.C. § 271(a))

53. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

54. Defendant has infringed and continues to infringe one or more claims of the '966 Patent in violation of 35 U.S.C. § 271(a).

55. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

56. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization, or license of Acceleration Bay.

57. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to, WoW, Destiny, and Call of Duty: Advanced Warfare, which embody the patented invention of the '966 Patent.

58. Defendant's WoW products infringe the '966 Patent through, at minimum, its Cross Realm modes, which allow individual players from multiple different realms to interact and communicate with each other over a computer network for providing an information delivery service for a plurality of participants, whereby information is sent on a point-to-point basis. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '966 Patent is attached hereto as Exhibit 7 and incorporated by reference.

59. Defendant's Destiny products infringe the '966 Patent through, at minimum, its multiplayer modes, which allow individual players to interact and communicate with each other over a computer network for providing an information delivery service for a plurality of participants, whereby information is sent on a point-to-point basis. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '966 Patent is attached hereto as Exhibit 8 and incorporated by reference.

60. Defendant's Call of Duty: Advanced Warfare products infringe the '966 Patent through, at minimum, its multiplayer modes, which allow individual players to interact and communicate with each other by sending data through neighbor participants. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '966 Patent is attached hereto as Exhibit 9 and incorporated by reference.

61. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

62. Defendant's infringement of the '966 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

63. Defendant's infringement of the '966 Patent is also willful, as Defendant has been fully aware of the '966 Patent, and the fact that its products infringe the '966 Patent, for more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '966 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served an Identification of Accused Products and Patents on Defendant on November 2, 2015, which identified the WoW, Destiny, and Call of Duty products (including Call of Duty: Black Ops III) as accused products, and claim charts detailing the manner in which all of the accused products infringe the '966 Patent on March 2, 2016. Despite this knowledge of the '966 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '966 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

COUNT III

(Direct Infringement of the '147 Patent pursuant to 35 U.S.C. § 271(a))

64. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

65. Defendant has infringed and continues to infringe one or more claims of the '147 Patent in violation of 35 U.S.C. § 271(a).

66. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

67. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Acceleration Bay.

68. Defendant's infringement of one or more method claims of the '147 Patent is a result of Defendant's own actions and/or its actions in combination with the actions of users, developers, and/or customers to perform the steps of the claimed methods.

69. Defendant has direction or control over users' performance of the steps of claimed methods as evident from and through the Terms of Use for its products and service that users must agree to prior to use of Defendant's products or services (examples attached hereto as Exhibits 10 and 11). Defendant maintains control at all times over the operation and dissemination of content by users of Defendant's products and services, and the users are contractually required to use only Defendant's software to access Defendant's online services and features. The Terms of Use (examples attached hereto as Exhibits 10 and 11) state that Defendant owns all content appearing or generated from its products or services, and has the unrestricted right to use, adapt, reproduce, and distribute such content into any form or medium

(*See e.g.*, Sections 3, 6, and 18 of the Terms of Use and Sections 2, 4, and 5 of the Terms of Use for WoW).

70. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to, WoW, Destiny, and Call of Duty, which embody the patented invention of the '147 Patent.

71. Defendant's WoW products infringe the '147 Patent through, at minimum, its Cross-Realm modes and its Voice Chat functionality, which allow individual players from multiple different realms to interact and communicate with each other over a multi-cast computer network, and where individual players can leave the computer network by sending messages to a second computer so that the second computer can connect to a third computer to maintain a regular network. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '966 Patent is attached hereto as Exhibit 7 and incorporated by reference.

72. Defendant's Destiny products infringe the '147 Patent through, at minimum, its multiplayer modes, which allow each individual player to leave the network by sending messages to a second computer so that the second computer can connect to a third computer to maintain a regular network. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '966 Patent is attached hereto as Exhibit 8 and incorporated by reference.

73. Defendant's Call of Duty products infringe the '147 Patent through, at minimum, its multiplayer modes, which allow each individual player to leave the network by sending messages to a second computer so that the second computer can connect to a third

computer to maintain a regular network. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '966 Patent is attached hereto as Exhibit 9 and incorporated by reference.

74. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

75. Defendant's infringement of the '147 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

76. Defendant's infringement of the '147 Patent is also willful, as Defendant has been fully aware of the '147 Patent, and the fact that its products infringe the '147 Patent, for more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '147 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served an Identification of Accused Products and Patents on Defendant on November 2, 2015, which identified the WoW, Destiny, and Call of Duty products (including Call of Duty: Black Ops III) as accused products, and claim charts detailing the manner in which all of the accused products

infringe the '147 Patent on March 2, 2016. Despite this knowledge of the '147 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '147 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

COUNT IV

(Direct Infringement of the '634 Patent pursuant to 35 U.S.C. § 271(a))

77. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

78. Defendant has infringed and continues to infringe one or more claims of the '634 Patent in violation of 35 U.S.C. § 271(a).

79. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

80. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization, or license of Acceleration Bay.

81. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not limited to, WoW, Destiny, and Call of Duty, which embody the patented invention of the '634 Patent.

82. Defendant's WoW products infringe the '634 Patent through, at minimum, its WoW Client Downloader and Voice Chat functionality, which allow individual players from multiple different realms to communicate and interact with each other by sending data received

from other neighboring players to other neighboring players, thereby creating reliability in the network. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '966 Patent is attached hereto as Exhibit 7 and incorporated by reference.

83. Defendant's Destiny products infringe the '634 Patent through, at minimum, its multiplayer modes, which allow individual players in an area to communicate and interact with each other by sending data received from other neighboring players to other neighboring players, thereby creating reliability in the network. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '966 Patent is attached hereto as Exhibit 8 and incorporated by reference.

84. Defendant's Call of Duty products infringe the '634 Patent through, at minimum, its multiplayer modes, which allow individual players to communicate and interact with each other by sending data received from other neighboring players to other neighboring players, thereby creating reliability in the network. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '966 Patent is attached hereto as Exhibit 9 and incorporated by reference.

85. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

86. Defendant's infringement of the '634 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

87. Defendant's infringement of the '634 Patent is also willful, as Defendant has been fully aware of the '634 Patent, and the fact that its products infringe the '634 Patent, for

more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '634 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served an Identification of Accused Products and Patents on Defendant on November 2, 2015, which identified the WoW, Destiny, and Call of Duty products (including Call of Duty: Black Ops III) as accused products, and claim charts detailing the manner in which all of the accused products infringe the '634 Patent on March 2, 2016. Despite this knowledge of the '634 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '634 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

COUNT V

(Direct Infringement of the '069 Patent pursuant to 35 U.S.C. § 271(a))

88. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

89. Defendant has infringed and continues to infringe one or more claims of the '069 Patent in violation of 35 U.S.C. § 271(a).

90. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

91. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Acceleration Bay.

92. Defendant's infringement of one or more method claims of the '069 Patent is a result of Defendant's own actions and/or its actions in combination with the actions of users, developers, and/or customers to perform the steps of the claimed methods.

93. Defendant has direction or control over users' performance of the steps of claimed methods as evident from and through the Terms of Use for its products and service that users must agree to prior to use of Defendant's products or services (examples attached hereto as Exhibits 10 and 11). Defendant maintains control at all times over the operation and dissemination of content by users of Defendant's products and services, and the users are contractually required to use only Defendant's software to access Defendant's online services and features. The Terms of Use (examples attached hereto as Exhibits 10 and 11) state that Defendant owns all content appearing or generated from its products or services, and has the unrestricted right to use, adapt, reproduce, and distribute such content into any form or medium (*See e.g.*, Sections 3, 6, and 18 of the Terms of Use and Sections 2, 4, and 5 of the Terms of Use for WoW).

94. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including but not

limited to, WoW, Destiny, and Call of Duty, which embody the patented invention of the '069 Patent.

95. Defendant's WoW products infringe the '069 Patent through, at minimum, its Cross-Realm modes, which allow individual players from multiple different realms to interact and communicate with each other over a multi-cast computer network, and where individual participants can be added to the network by, for example and not by way of limitation, identifying a pair of participants that are connected to the network, disconnecting the identified pair from each other, and then connecting a seeking participant to the identified pair. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '966 Patent is attached hereto as Exhibit 7 and incorporated by reference.

96. Defendant's Destiny products infringe the '069 Patent through, at minimum, its multiplayer modes, which allow numerous individual players in an area or destination to communicate and interact with each other without placing a high overhead on the underlying network, where individual participants can be added to the network by, for example and not by way of limitation, identifying a pair of participants that are connected to the network, disconnecting the identified pair from each other, and then connecting a seeking participant to the identified pair. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '966 Patent is attached hereto as Exhibit 8 and incorporated by reference.

97. Defendant's Call of Duty products infringe the '069 Patent through, at minimum, its multiplayer modes, which allow multiple individual players to communicate and interact with each other over a multi-cast computer network, and where individual participants can be added to the network by, for example and not by way of limitation, identifying a pair of

participants that are connected to the network, disconnecting the identified pair from each other, and then connecting a seeking participate to the identified pair. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '966 Patent is attached hereto as Exhibit 9 and incorporated by reference.

98. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

99. Defendant's infringement of the '069 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

100. Defendant's infringement of the '069 Patent is also willful, as Defendant has been fully aware of the '069 Patent, and the fact that its products infringe the '069 Patent, for more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '069 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served an Identification of Accused Products and Patents on Defendant on November 2, 2015, which identified the WoW, Destiny, and Call of Duty products (including Call of Duty: Black Ops III)

as accused products, and claim charts detailing the manner in which all of the accused products infringe the '069 Patent on March 2, 2016. Despite this knowledge of the '069 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '069 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

COUNT VI

(Direct Infringement of the '497 Patent pursuant to 35 U.S.C. § 271(a))

101. Acceleration Bay repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs, as set forth above.

102. Defendant has infringed and continues to infringe one or more claims of the '497 Patent in violation of 35 U.S.C. § 271(a).

103. Defendant's infringement is based upon literal infringement or infringement under the doctrine of equivalents, or both.

104. Defendant's acts of making, using, importing, selling, and/or offering for sale infringing products and services have been without the permission, consent, authorization or license of Acceleration Bay.

105. Defendant's infringement of one or more method claims of the '497 Patent is a result of Defendant's own actions and/or its actions in combination with the actions of users, developers, and/or customers to perform the steps of the claimed methods.

106. Defendant has direction or control over users' performance of the steps of claimed methods as evident from and through the Terms of Use for its products and service that users must agree to prior to use of Defendant's products or services (examples attached hereto as

Exhibits 10 and 11). Defendant maintains control at all times over the operation and dissemination of content by users of Defendant's products and services, and the users are contractually required to use only Defendant's software to access Defendant's online services and features. The Terms of Use (examples attached hereto as Exhibits 10 and 11) state that Defendant owns all content appearing or generated from its products or services, and has the unrestricted right to use, adapt, reproduce, and distribute such content into any form or medium (*See e.g.*, Sections 3, 6, and 18 of the Terms of Use and Sections 2, 4, and 5 of the Terms of Use for WoW).

107. Defendant's infringement includes, but is not limited to, the manufacture, use, sale, importation and/or offer for sale of Defendant's products and services, including, but not limited to, WoW, Destiny, and Call of Duty, which embody the patented invention of the '497 Patent.

108. Defendant's WoW products infringe the '497 Patent through, at minimum, its Client Downloader and Voice Chat functionality, which allow individual players from multiple different realms to interact, communicate, and share files, installations, or updates with each other over a computer network through a portal computer. By way of example, and not limitation, a claim chart further describing how WoW infringes at least one claim of the '966 Patent is attached hereto as Exhibit 7 and incorporated by reference.

109. Defendant's Destiny products infringe the '497 Patent through, at minimum, its multiplayer modes, which allow numerous individual players in an area or destination to join an area, encounter, communicate and interact with each other by utilizing a portal computer. By way of example, and not limitation, a claim chart further describing how Destiny infringes at least one claim of the '966 Patent is attached hereto as Exhibit 8 and incorporated by reference.

110. Defendant's Call of Duty products infringe the '497 Patent through, at minimum, its multiplayer modes, which allow individual players to join, communicate and interact with each other by utilizing a portal computer. By way of example, and not limitation, a claim chart further describing how Call of Duty infringes at least one claim of the '966 Patent is attached hereto as Exhibit 9 and incorporated by reference.

111. As a result of Defendant's unlawful activities, Acceleration Bay has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Acceleration Bay is entitled to preliminary and/or permanent injunctive relief.

112. Defendant's infringement of the '497 Patent has injured and continues to injure Acceleration Bay in an amount to be proven at trial.

113. Defendant's infringement of the '497 Patent is also willful, as Defendant has been fully aware of the '497 Patent, and the fact that its products infringe the '497 Patent, for more than one year. On March 11, 2015, Acceleration Bay filed a complaint against Defendant alleging, *inter alia*, that the following products infringe the '497 Patent: "World of Warcraft ("WoW") (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum)." *Acceleration Bay LLC v. Activision Blizzard Inc.*, 1:15-cv-00228-RGA, Dkt. No. 1. Moreover, Acceleration Bay served an Identification of Accused Products and Patents on Defendant on November 2, 2015, which

identified the WoW, Destiny, and Call of Duty products (including Call of Duty: Black Ops III) as accused products, and claim charts detailing the manner in which all of the accused products infringe the '497 Patent on March 2, 2016. Despite this knowledge of the '497 Patent and of its infringement, Defendant continues to manufacture, use, sale, import and/or offer for sale its WoW, Destiny, and Call of Duty products. As such, Defendant has acted recklessly and continues to willfully, wantonly, and deliberately engage in acts of infringement of the '497 Patent, warranting an award to Acceleration Bay of enhanced damages under 35 U.S.C. § 284, and attorneys' fees and costs incurred under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Acceleration Bay prays for judgment and relief as follows:

- A. An entry of judgment holding Defendant has infringed and is infringing the '344 Patent, '966 Patent, '147 Patent, '634 Patent, '069 Patent, and '497 Patent;
- B. A determination that Defendant's infringement has been willful, wanton, and deliberate, at least as of March 11, 2015;
- C. An award to Acceleration Bay of such damages as it shall prove at trial against Defendant that are adequate to fully compensate Acceleration Bay for Defendant's infringement of the '344 Patent, '966 Patent, '147 Patent, '634 Patent, '069 Patent, and '497 Patent, said damages to be no less than a reasonable royalty;
- D. An award of treble damages under 35 U.S.C. § 284;
- E. A finding that this case is "exceptional," and an award to Acceleration Bay of its costs and reasonable attorney's fees, as provided by 35 U.S.C. § 285;

F. An accounting of all infringing sales and revenues, together with post-judgment interest and pre-judgment interest from the first date of infringement of the '344 Patent, '966 Patent, '147 Patent, '634 Patent, '069 Patent, and '497 Patent; and

G. Such further and other relief as the Court may deem proper and just.

DEMAND FOR JURY TRIAL

Acceleration Bay demands a jury trial on all issues so triable.

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Dated: June 17, 2016
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